

Health and Safety Executive	Operational Circular
	OC 124/6
Review Date	12/02/2009
Open Government Status	Fully Open
Author Unit	Food and Entertainment Sector

To
 Regional Directors (Band 0)
 Heads of Operations (Band 1)
 Heads of Sectors (Band 1)
 Heads of RSGs (Band 1)
 Heads of Unit (Band 1)
 Enforcement Liaison Officers(Band 2)
 Regional Support Managers (Band 3)
 Railway Inspectors (Bands 0-3)
 CHID Inspectors (Bands 0-4)

LOCAL AUTHORITY LIAISON AND FOD'S ENFORCEMENT LIAISON OFFICERS

This OC replaces OC124/4(REV). It clarifies the role of enforcement liaison officers (ELOs) and the transfer of the FOD headquarters function to the Food and Entertainment Sector following changes in FOD's organisation. No significant changes are introduced from the current system.

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FOD'S ROLE IN LA LIAISON



1 This OC deals with FOD's liaison with local authorities (LAs) only in respect of their enforcement of the HSW Act.

2 FOD's role in working together with LAs is to support the *Memorandum of Understanding on health and safety enforcement* (file 124) between HSE and LAs on behalf of HSE and HELA by:

- 1) supporting HELA in developing and implementing its annual strategy and consistency among LAs, and between FOD and LAs;
- 2) developing and executing joint initiatives in industries and activities where enforcement responsibility is shared between FOD and LAs;
- 3) giving practical operational support to LAs in their enforcement of the HSW Act;
- 4) providing a channel of communication to share experience, expertise and learning;
- 5) carrying out formal transfers and assignments on behalf of the Executive under the Health and Safety (Enforcing Authority) Regulations 1998 (EA Regulations), and maintaining a permanent record of these.

3 The roles of FOD and the Local Authority Unit (LAU) are complementary. LAU has overall policy responsibility for LA enforcement matters. It

operates principally at the national level with local authority associations and HELA in setting up and promoting procedures and policies. FOD's role is at the local level, supporting individual LAs:

- 1) in their enforcement responsibilities; and
- 2) in meeting HELA's objectives.

FOOD AND ENTERTAINMENT SECTOR



4 The Food and Entertainment Sector is responsible for LA liaison matters within FOD. It is important that other FOD units consult the Sector on any matters involving LAs. The Head of Sector represents FOD on HELA and ensures that advice prepared for LAs and FOD is consistent. The Sector is the point of co-ordination within FOD to ensure the information and guidance which is given to ELOs is consistent with HELA policies.

5 The Sector:

- 1) supports HELA's objectives (see para 6);
- 2) co-ordinates joint initiatives (see para 7);
- 3) co-ordinates the ELO system (see para 8); and
- 4) supports the EA Regulations (see paras 9-10).

Supporting HELA's objectives

6 The Sector supports HELA's objectives by:

- 1) representing FOD on HELA and its subcommittees;
- 2) advising the rest of FOD on LA enforcement matters and representing all FOD HQ units, in consultation with them, sectors and RSGs/SSGs in discussions with LAU and HELA on matters concerning LA enforcement;
- 3) agreeing, in consultation with LAU, HELA and relevant heads of operations,
 - a) objectives and targets,

- b) writing guidance for ELOs on FOD's contribution to supporting individual LAs in meeting HELA's plans,
 - c) monitoring and reporting on progress with FOD's contribution;
- 4) informing HELA of FOD's contribution, within the resource allocated, to
- a) HELA's strategic objectives, in particular feeding in FOD's plans to identify common objectives for joint local working, and
 - b) supporting LAs in meeting HELA's objectives.

Co-ordinating joint initiatives

7 The Sector co-ordinates joint initiatives by liaising with LAU on LA enforcement matters relevant to FOD. This includes regular briefing meetings and working in partnership on joint national initiatives for those industries (such as catering, warehousing and security) in which both HSE and LAs have joint inspection responsibilities.

Co-ordinating the ELO system

8 The Sector co-ordinates the ELO system by:

- 1) collating information arising from ELOs' activities, acting upon it and producing a report for HELA;
- 2) ensuring ELOs receive consistent advice via
 - a) sector strategic plans and guidance,
 - b) ELO conferences, and
 - c) minutes to ELOs (and heads of operations),with the aim of giving additional information and context to the LACs, letters and the LA Newsletter which LAU prepares for LAs and copies to ELOs;
- 3) answering enquiries from ELOs;
- 4) discussing resource for ELO work with FOD FPU and heads of operations;
- 5) informing other parts of FOD about LA practice and views as an aid to consistent working.

Supporting the EA Regulations

9 The Sector supports the EA Regulations by:

- 1) providing a centre of expertise, within FOD, on interpretation of legislation on enforcement allocation and on LA liaison matters;
- 2) giving advice to ELOs on these topics, in consultation with LAU;
- 3) maintaining a central register of transfers and monitoring them for consistency.

10 Where amendments to the EA Regulations are under consideration, similar policy issues arise, or technical and research resource is involved, FOD Field Support Unit (FSU) will lead, consulting the Sector as appropriate.

ENFORCEMENT LIAISON OFFICERS



Roles, responsibilities and management

11 The ELO role is at the local level:

- 1) supporting individual LAs in their enforcement activities;
- 2) contributing to effective liaison between HSE and LAs at the local level; and
- 3) assisting LAs in pursuit of HSC's objectives.

FOD inspectors can do this effectively on behalf of HSE as they are locally-deployed, experienced health and safety professionals dealing with similar health and safety issues. FOD also needs to liaise with LAs to agree and progress joint initiatives in support of HSC plans, especially in industries and activities where enforcement responsibility is shared.

12 Enforcement liaison officers assist, advise and support LAs and their inspectors in meeting HSC and HELA objectives, and in their enforcement duties. They are authorised on behalf of the Executive under the EA Regulations to agree local transfers and assignments. The appendix gives a model form of notice of appointment.

13 Following discussions between FOD FPU, relevant heads of operations, and the Sector, FOD FPU will inform regions of the resource to be allocated to ELO activities in the regional plan via the yearly planning guidelines. For planning purposes the allowance is added to the Food and Entertainment groups. However, regions may wish to recognise in their plans that support also comes from other regional staff and from RSGs/SSG.

Regions should plan how they will use this time to achieve FOD's objectives in ELO activities and any specific objectives set by the Sector, taking account of local need and Sector guidance. The ELO response depends on the type and extent of support LAs want. Regions should plan to make sufficient time available, but if LAs feel the objectives of LA liaison are not being met they have been asked to contact the ELO and the ELO's head of operations.

14 Enforcement liaison officers report to their head of operations. Regional directors should appoint sufficient ELOs, within the existing FOD resource allocation, to give the right balance between local delivery of the ELO functions to LAs, and the co-ordination and consistency of approach needed. Enforcement liaison officer activities can be carried out by a range of inspectors and administrative staff each carrying out duties appropriate to their grade. The ELO should be a band 2 who manages the delivery of the full range of the ELO activities, and ensures the objectives are secured. While most activities will be carried out by the ELO team, the ELO should personally undertake the discussions with LA senior officers as they will share similar strategic and management experiences.

15 Most jointly-inspected industries will be in Food and Entertainment groups, and so these groups should normally be the base for the ELO. Where that is not the case, regions should consider achieving it when staffing opportunities allow.

16 Where the ELO is also the inspector responsible for the inspection of LAs, the ELO role must be kept scrupulously separate from FOD's dealings with LAs as employers.

17 The ELO acts as the first point of contact for LAs with HSE on most health and safety enforcement matters. For consumer safety issues separate arrangements exist for liaison with trading standards officers. Railway Inspectorate HQ will liaise directly with LAU on national policy issues, and railway inspectors directly with LAs on operational matters.

Objectives

Principal objectives

18 The principal objectives of ELOs are to:

- 1) support HELA's annual objectives (see para 19);
- 2) plan joint local working (see para 20);
- 3) support operational work (see para 21);
- 4) provide a channel of communication (see para 22); and
- 5) support the EA Regulations (see para 23).

Supporting HELA's annual objectives

19 The ELO supports HELA's annual objectives by:

- 1) discussing the support LAs want in implementing HSC and HELA aims, objectives and plans;
- 2) supporting LAs in their enforcement role by actively encouraging them to plan their own training in accordance with the HELA training strategy, and supporting them in its delivery.

Planning joint local working

20 The ELO plans joint local working by arranging initiatives in joint FOD and LA-inspected activities in partnership with LAs, guided by HELA.

Supporting operational work

21 The ELO supports operational work by:

- 1) acting as a first point of contact within HSE for LA inspectors seeking enforcement, technical, scientific or medical advice or support. ELOs will refer the request to the appropriate part of HSE, if they cannot deal with it themselves. They should try to ensure that it is accorded an appropriate priority, and that the LA receives a response and feedback);
- 2) acting as a link between HSE and LAs on any HSW Act s.6 or peripatetic worker issue encountered by LAs.

Providing a channel of communication

22 The ELO provides a channel of communication by:

- 1) establishing and maintaining good relations with individual LAs;
- 2) ensuring that LAs understand the purpose and working of the ELO system within the HELA framework;
- 3) for example
 - a) providing a liaison point, in the event of a major incident in LA-inspected premises where HSE is providing assistance, or
 - b) passing on information LAs wish to submit on examples of best practice or about LA-enforced premises;
- 4) ensuring advice given to LAs is consistent.

Supporting the EA Regulations

23 The ELO supports the EA Regulations by carrying out the formal duties of assignments and transfers under the Regulations, and assisting in resolving any local demarcation issues.

Good practice

24 The following are examples of good practice by ELOs.

- 1) Inform LAs of new ELO appointments.
- 2) Identify and meet the senior managers who have responsibility for managing health and safety enforcement in LAs (especially when there have been any changes of ELO or LA staff).
- 3) Establish effective liaison to plan joint working and promote a consistent understanding of HELA's strategies, plans and procedures. This can be with individual senior officers, chief officer groups as well as groups of LA enforcement officers. Suitable groups should be encouraged where they do not already exist.
- 4) Discuss with individual LAs, chief officers and enforcement officer liaison groups, the ELO support they need (within FOD's resource) and agree priorities and programmes (ideally during December to April).
- 5) Informed by discussions as above and Sector guidance, agree an ELO workplan each year with their head of operations to ensure FOD objectives for LA liaison are achieved within the resource allocated. Personal workplans should contain appropriate key responsibilities and personal objectives.
- 6) Manage and monitor their ELO teams and administrative support to ensure adequate operational support is given to LAs within FOD's resource. In particular, to arrange for deputies and effective message-taking procedures.
- 7) Discuss with LAs where further help is required in training, arrange access to HSE material and training courses already available, and provide an HSE/FOD perspective on LA-run training.
- 8) Facilitate joint inspections and exchange visits between HSE and LA inspectors.

25 Individual LAs are enforcing authorities responsible to HSC in their own right. They receive advice on health and safety enforcement from HSC and HELA through a number of routes, eg:

- 1) Dear Chief Officer letters;

- 2) LACs and LAU Newsletter;
- 3) HSC guidance;
- 4) from LGA and COSLA, the annual HELA conference; and
- 5) professional societies' communications to county groups or their equivalent.

The role of ELOs is to see that each individual LA is aware of this material and to promote a consistent understanding through discussion and cross-fertilisation of ideas and good practice.

26 Local authorities will already have strategies to enforce health and safety, and discussions will be on whether these are consistent with HELA policy. The discussions should take place in the spirit of partnership. The benefits an ELO can bring to the discussions are:

- 1) a comprehensive knowledge of the guidance and the thinking behind it from briefings from HELA and LAU via the Sector;
- 2) knowledge of good practice from other LAs; and
- 3) experience of implementing similar strategies within FOD.

HEADS OF OPERATIONS



27 Heads of operations are responsible for achieving FOD's objectives in ELO activities through the management of the quality, consistency and quantity of ELO activities, taking account of the national objectives and guidance prepared by the Sector.

WORK RECORDING ON FOCUS



28 The time for any ELO activity which any inspector (including RSGs/SSG) undertakes should be recorded under the topic category of ELO on contact and non-contact records input to FOCUS.

29 Significant contacts should be reported on FOCUS, using the ELO topic. The incumbent should be the individual LA as client (taking care to link the contact to any relevant department) at either the 'town hall' location or the location concerned if advice on a specific workplace is involved. It is important that progress against any sector strategic plan objective is reported on fully to allow the Sector to monitor and report upon progress.

30 Time spent with groups of LAs, as a seminar participant or a presenter, should only be recorded on the non-contact record but where specific advice is given to any LA as if at a meeting with that authority, a contact to record significant information may be made against the individual authority. Staff are reminded of the definition of FOCUS contacts in OM 1997/3 Appendix 1. In relation to ELO contacts, particular attention is drawn to para 4 on the purpose of contact records and use of the file notes facility described in para 11.

31 An overall narrative report on ELO activities is required from regions as part of the spring review each year. This is used in the FOD report to the Executive and also forms part of the paper the Sector prepares for HELA reporting on FOD's contribution to HELA's plan each year.

COMMUNICATION



32 Good communication is central to ensuring consistency of approach and of advice between HELA, LAU, the Sector, ELOs and LAs.

33 The Sector will brief ELOs via sector strategic plans and guidance, ELO conferences and minutes to ELOs (and heads of operations).

34 Requests for advice and views on LA enforcement matters from ELOs or heads of operations should be sent to the Sector. The Sector will then be able to provide a consistent FOD response to such requests (consulting LAU as necessary).

35 Enforcement liaison officers act as a channel of communication between LAs and HSE. Local authorities may send information on enforcement matters to LAU. However, if LAs wish to inform ELOs direct, then ELOs should pass such information on:

- 1) matters reflecting jointly-inspected industries to the relevant sector and LAU, copying it to the Food and Entertainment Sector;
- 2) matters affecting LA-enforced industries to LAU;
- 3) views on FOD's role to the Food and Entertainment Sector; or
- 4) general examples of good practice to LAU and the Food and Entertainment Sector.

When LAs inform LAU of enforcement matters in any jointly-inspected industries, LAU will pass that to the relevant sector, and copy it to the Food and Entertainment Sector.

Cancellation of instructions

36 OC 124/4(REV) - cancel and destroy.

12 February 1999

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APPENDIX
(para 12)

[Headed paper]

MODEL FORM OF NOTICE OF APPOINTMENT

Authorisation to perform functions of the Health and Safety Executive under The Health and Safety (Enforcing Authority) Regulations 1998

I hereby authorise the holders for the time being of the posts of Enforcement Liaison Officer in theRegion of the Field Operations Directorate to perform on behalf of the Health and Safety Executive its functions under regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1998.

Signed:

Regional Director

Dated:

A person authorised by the Health and Safety Executive pursuant to paragraphs 13 and 20(1) of Schedule 2 to the Health and Safety at Work Act

1974 to act in that behalf.

